

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)	
)	
v.)	Case No. 1:21-MJ-404
)	
BRIAN SCOTT MCGALEM,)	
)	
<i>Defendant.</i>)	
_____)	

**AFFIDAVIT IN SUPPORT OF A
CRIMINAL COMPLAINT AND AN ARREST WARRANT**

I, Raymond Abruzzese, being first duly sworn, hereby depose and state as follows:

INTRODUCTION

1. I have been employed as a Special Agent of the U.S. Department of Homeland Security, Homeland Security Investigations (“HSI”) since 2003 and am currently assigned to the Child Exploitation Unit in Reston, Virginia. While employed by HSI, I have investigated federal criminal violations related to high technology or cybercrime, child exploitation, and child pornography as well as commercial fraud and immigration fraud. I have also received training in the area of child pornography and child exploitation and have observed and reviewed numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including computer media. Due to my experience and training, I can identify child pornography and child erotica when I see it. Moreover, I am a federal law enforcement officer who is authorized to enforce the laws of the United States, including 18 U.S.C. § 2251.

2. The facts and information in this Affidavit are based upon information that I obtained during this investigation and information that has been provided to me by other law enforcement sources. Since this Affidavit is being submitted for the limited purpose of

establishing probable cause for this application, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause for this application.

3. I submit this affidavit in support of a criminal complaint charging BRIAN SCOTT MCGALEM (“MCGALEM”), of Fairfax, Virginia, which is within the Eastern District of Virginia, with the attempted production of child pornography, in violation of 18 U.S.C. § 2251(a) and (e). For the reasons set forth below, I submit that probable cause exists to believe that in or about November 2021, MCGALEM knowingly attempted to employ, use, persuade, induce, entice, or coerce a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, knowing or having reason to know that the visual depiction would be transported or transmitted using any means or facility of interstate or foreign commerce.

STATUTORY AUTHORITY AND DEFINITIONS

4. Title 18, U.S. Code, Section 2251(a) and (e) prohibit a person from employing, using, persuading, inducing, enticing, or coercing any minor to engage in any sexually explicit conduct for the purpose of producing any visual depiction of such conduct or for the purpose of transmitting a live visual depiction of such conduct, or conspiring or attempting to do so, if such person knows or has reason to know that such visual depiction will be transported or transmitted using any means or facility of interstate or foreign commerce, or if such visual depiction has actually been transported or transmitted using any means or facility of interstate or foreign commerce.

5. The term “minor,” as defined in 18 U.S.C. § 2256(1), means any person under the age of 18 years.

6. The term “sexually explicit conduct,” as defined in 18 U.S.C. § 2256(2)(A)(i)–(v), means actual or simulated (a) sexual intercourse, including genital-genital, oral-genital, anal genital, or oral-anal, whether between persons of the same or opposite sex; (b) bestiality; (c) masturbation; (d) sadistic or masochistic abuse; or (e) lascivious exhibition of the genitals or pubic area of any person.

7. The term “visual depiction,” as defined in 18 U.S.C. § 2256(5), includes undeveloped film and videotape, data stored on computer disc or other electronic means which is capable of conversion into a visual image, and data that is capable of conversion into a visual image that has been transmitted by any means, whether or not stored in a permanent format.

8. The term “child pornography,” as defined in 18 U.S.C. § 2256(8), is any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical or other means, of sexually explicit conduct, where (a) the production of the visual depiction involved the use of a minor engaged in sexually explicit conduct, (b) the visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaged in sexually explicit conduct, or (c) the visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaged in sexually explicit conduct.

9. The term “computer,” as used herein, refers to “an electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device” and includes smartphones, and mobile phones and devices. *See* 18 U.S.C. § 1030(e)(1).

SUMMARY OF PROBABLE CAUSE

10. On or about December 9, 2021, I received information from the Frederick County (Maryland) Sheriff's Office (FCSO) that on or about November 26, 2021, the FCSO received a call for service. The complainant (hereinafter, "C-1") stated that a FedEx package was delivered to her residence, addressed to her nine-year-old son (hereinafter, "V-1").¹ C-1 stated that she did not recognize the sender's name or address on the package. The sender was listed as Brian Scott MCGALEM and the return address was a residential address in Fairfax, Virginia (hereinafter, the "SUBJECT PREMISES"). FCSO determined that the package contained a gaming headset.

11. C-1 provided further information to FCSO stating she reviewed chats contained on V-1's PlayStation gaming system. C-1 stated her review revealed numerous inappropriate messages between V-1 and what appeared (from photographs sent from the individual to V-1) to be an adult male from November 15, 2021 through November 23, 2021. These messages occurred on the social media application "Discord," which is an Internet-based chat application that allows users to, among other functions, chat and share images or video files.

12. C-1 showed FCSO the chats, and the adult male's Discord username was "Random Hipster#2429". The chats included Random Hipster#2429 stating he had anal sex with an eleven-year-old boy with the same first name as V-1. Random Hipster#2429 also sent sexually explicit images and pornography videos to V-1, including what appears to be an erect adult male penis. In conjunction with the image of an apparent adult penis, Random Hipster#2429 wrote: "I get hard when I think about your voice".

¹ The identities of C-1 and V-1 are known to HSI. I have not included their names in this affidavit in order to protect their privacy.

13. On or about December 1, 2021, V-1 was interviewed at the Child Advocacy Center of Frederick County, Maryland. During this interview, V-1 stated that “Brian” had sent him images and videos of penises via Discord. V-1 stated “Brian” asked him several times for images of his (V-1’s) penis. V-1 stated that each time he declined.

14. On or about December 3, 2021, Discord provided information pursuant to a Maryland State search warrant. According to Discord, the Random Hipster#2429 account was created on January 23, 2017. The e-mail address: XXXXXXXXX@live.com² was provided by the user. Discord indicated this e-mail address had been verified by the user.

15. Discord further provided content of chat messages exchanged between Random Hipster#2429 and V-1. A representative sample of these chat messages includes a chat conversation V-1 had with Random Hipster#2429 on November 15, 2021. A portion of this chat is reproduced below as follows:

V-1: And all the cock and weird messages

Random Hipster#2429: You tryna show me yours lol sike nah

V-1: I’m in my mom’s room her bed is gigantic

Random Hipster#2429: You finna beat on your moms bed

V-1: Nah bro

Random Hipster#2429: You better be careful not to soil the sheets

V-1: She got super powers she gonna open the door take one sniff and be like I’m beating that boys ass. Do you live with your parents? Or do you own your own apartment.

Random Hipster#2429: I used to have my own place. I would bring people over all the time. An sex, video games, movies and great food. Now I can hang out with you.

² The full email address is known to investigators but is being redacted for privacy reasons.

V-1: Yeah no gay shit though.

Random Hipster#2429: Ngl tho if I was your age, I would prolly be down for sum weird shit Imao.....I said if I was your age

Random Hipster#2429: While I am getting the videos set up tell me what turns you on....Like at your school an shit

Random Hipster#2429: What's your sexuality? Are you like even sure what you are?....I used to be confused too at that age.

V-1: Look down realize how small it is

Random Hipster#2429: It's prolly not that small

Random Hipster#2429: How old are you again?

V-1: 11

Random Hipster#2429: Once you are 12 or 13 it starts getting bigger..and your balls too

Random Hipster#2429:I wouldn't actually sucked you off if I was your age

Random Hipster#2429:Lol send me video or a pic of it, I wont judge, Trust me, Do it no balls, Get that shit hard af, Lol just send some cock picks

Random Hipster#2429: Please..I want to rate it...Just get your shit hard an send me a pic; I'll send you a pic of mine rn if you send me one of yours

V-1: K back lemme see yours firs##t

Random Hipster#2429: *[Sends an image to V-1]*

Random Hipster#2429: Lol send a pic; I don't care if it's messy; or if you jazzed

V-1: Ok...I'm not hard anymore so send anything

Random Hipster#2429: Yeah im fine with it no matter what size

V-1: Nah bro

Random Hipster#2429: Yeah I know it's finna be good...I got trust in my boy

V-1: K hold on...maybe I'll send it if you guees right

Random Hipster#2429: Do it

Random Hipster#2429:Send me a nude please

V-1: Sorry man

Random Hipster#2429: Awww please...so no nudes then?

V-1: Nope

Random Hipster#2429: Maybe some other time?

V-1: Yeah, maybe some other time.

V-1:I found out how to send vids now

Random Hipster#2429: You should send me one of yourself beating later tonight

Random Hipster#2429:Just send me a vid of yourself later

V-1: Nah bro

Random Hipster#2429:.....I kinda want to jack off with you, But you still owe me a video
or a pic of your cock tho

Random Hipster#2429:I want you to send a dick pic when it's hard, cause I wanna
to swallow it

V-1: Maybe in a bit my brothers awake

16. FCSO Detective Sanders provided me with a description of the images sent by
Random Hipster#2429 to V-1 during the above-described November 15, 2021, chat. Two of
these images are described as:

a. Image Identification:

909659381937889340_909682654096527421_909682653484179466_IMG_20200529_1

14747.jpg. This image appears to depict an adult male with a fully erect penis, standing in a bathroom. The image appears to be self-produced. The focus of the picture is on the male genitals.

b. Image Identification:

https%3A//cdn.discordapp.com/attachments/909659381937889340/909688182637985832/Screenshot_20210626-000205.jpg. This image appears to depict an adult male's buttocks and genitals. The image appears to be self-produced. The focus of the picture is on the male genitals.

17. On November 17, 2021, V-1 had another Discord chat conversation with Random Hipster#2429. A portion of this conversation is as follows:

Random Hipster#2429: Send a pic of your boner in your underwear; under your underwear

V-1: I'm not that horny

Random Hipster#2429:I am Wanna see

V-1: Sure

Random Hipster#2429: Hold on let me send a cock pic in the bathroom

Random Hipster#2429: How about yours; don't be shy

Random Hipster#2429: I want you to fuck me in any way you feel like

V-1: Woahhhh

Random Hipster#2429: Send me yours now; Please you owe me

Random Hipster#2429:Just pretend we are in bed together an we are about to do it; get it nice and hard under the covers and send a pic

V-1: Thinking

Random Hipster#2429: About what

V-1: Ya know what#; Tomorrow In will do it

Random Hipster#2429: Damn dud this keeps happening

V-1: When you think you gonna get on tomorrow and I love you even more

Random Hipster#2429: Idk I will have to see

V-1: ...I get out of school at 3:30

V-1:Cya hope you have a good day at work man

Random Hipster#2429: You too have a great day at school

V-1:But can I get your phone number I don't get notifications when you text me sometimes

Random Hipster#2429: *[provides his phone number]*

Random Hipster#2429:Want me to deliver some food to your house later tonight

18. On November 19, 2021, V-1 has a chat conversation with Random Hipster#2429.

A portion of this conversation is as follows:

Random Hipster#2429: Disconnected?

V-1: On my mom was got home and you already know she hates me playing; and she got pretty mad

Random Hipster#2429: Yeah you moms sounds super bossy

V-1: I got a random boner sitting and talking to my girlfried

Random Hipster#2429: Did she touch it?

Random Hipster#2429: ...I could give you tips on how to fuck her good

Random Hipster#2429: Are you circumcised or nah

V-1: Wdym?

Random Hipster#2429: Do you still have skin that wraps an covers the tip of your dick..also can you jizz yet?

V-1: I can

Random Hipster#2429: Or like squirt?

V-1: But I.....

Random Hipster#2429: Hmmmm maybe you might have to wait until your 12 but ill still try to help you

Random Hipster#2429:Dude if you have sex with her you should film it an send it

V-1: Where do you live

Random Hipster#2429: *[provides address of SUBJECT PREMISES]*

Random Hipster#2429:Do you just want to stay friends an not want to be friends with benefits anymore?

V-1: Ya know lets be friends with benefits but I cant send sick³ pics I was gonna but my girls wants look threw my phone slot and she's already seen some of your messages...she hasn't seen your sick pics

V-1: *[Provides home address.]*

19. On November 15, 2021, V-1 had another Discord chat conversation with Random Hipster#2429. A portion of this conversation is as follows:

Random Hipster#2429:Because before that he could never jizz; an I was the one that helped him

V-1: That's kinds weird and not weird

Random Hipster#2429: He wanted to learn how

³ V-1 later corrects the word "sick" to "dick."

V-1: Yo how old is he again?

Random Hipster#2429: Idk 12 or 11

20. On November 20, 2021, V-1 had another Discord chat conversation with Random Hipster#2429. A portion of this conversation is as follows:

Random Hipster#2429: The headset I am gonna send to you

V-1: Hey I'm acared my brothers gonna get mad at me for ya know sharing my address

21. On November 20, 2021, V-1 had a Discord chat conversation with Random Hipster#2429. A portion of this conversation is as follows:

V-1: Man I don't care if I am 11

Random Hipster#2429: I've wanted to date you for a awhile

V-1: I really like you so, sure

Random Hipster#2429: I've had the biggest crush on you since we met

22. On November 24, 2021, V-1 had a Discord chat conversation with Random Hipster#2429. A portion of this conversation is as follows:

Random Hipster#2429: I can invite you to a party

V-1: I really have nothing to do; my mom is allowing me to; I have a really good weekend

Random Hipster#2429: Yeah I wanna spend time with you

Random Hipster#2429:I'm mailing your package; we don't live that far so it might not even take that long to arrive to you

Random Hipster#2429:Lmao that's how it's gonna be after I beat my peen after looking at some pics of you

Random Hipster#2429:.....Honestly tho if you ever wanted to send me anything like that I wouldn't mind at all....But like I said before if your still comfortable le I will still wait until you are ready

Random Hipster#2429: You are very handsome

23. On November 25, 2021, V-1 had a Discord chat conversation with Random Hipster#2429. A portion of this conversation is as follows:

V-1: How tall are you?

Random Hipster#2429: I'm 6'2"

Random Hipster#2429:Maybe this is why they say date someone your own age

Random Hipster#2429: Because the disconnection comes from the age difference

24. A review of law enforcement databases revealed that MCGALEM resided at the SUBJECT PREMISES. Additionally, the information obtained through databases and record checks provided MCGALEM's date of birth as XX/XX/1997, and both the e-mail address (XXXXXXXXXX@live.com) associated with Random Hipster#2429's Discord account as well as the phone number he provided to V-1 in the chats were listed in this record.

25. On December 13, 2021, the Honorable Theresa Carroll Buchanan, United States Magistrate Judge for the Eastern District of Virginia, issued a Federal search and seizure warrant based on an affidavit written by your affiant establishing probable cause to believe that MCGALEM had committed attempted production of child pornography and receipt and/or distribution of child pornography and that fruits, evidence, contraband or instrumentalities of the offenses would be located at the SUBJECT PREMISES.

26. On December 14, 2021, HSI Special Agents, law enforcement officers assigned to the Virginia State Internet Crimes Against Children task force, as well as additional law

enforcement and forensics officers, executed the search and seizure warrant at the SUBJECT PREMISES. During this operation, law enforcement searched for electronic devices and computer equipment that could contain evidence of the child exploitation offense listed on the warrant.

27. During the December 14, 2021 search warrant operation at the SUBJECT PREMISES, HSI agents compared the background of images sent from MCGALEM to V-1 with what could be observed within the SUBJECT PREMISES. One image MCGALEM sent to V-1 contained an erect adult male penis that MCGALEM stated was his own. The background in this image is a square tile floor. HSI agents observed the same type of tile floor in a bathroom used by MCGALEM. Further, when MCGALEM sent the above-described image to V-1, he stated he was taking it in his bathroom.

28. Additionally, HSI agents observed a large screen connected to a PlayStation gaming system. The username "Random Hipster" was visible on this screen.

29. HSI Special Agent Abruzzese and FCSO Detective Sanders conducted an interview with MCGALEM. Special Agent Abruzzese read MCGALEM his *Miranda* warnings prior to asking any substantive questions. During this interview, MCGALEM confirmed his cellular telephone number is XXX-XXX-XXXX, the same number he provided to V-1 in chat messages, and confirmed that his e-mail address is XXXXXXXX@live.com, which is the same email address associated with his Discord account. MCGALEM further stated he plays a lot of online games and indicated Apex was one of the games he played most often. MCGALEM stated he often uses the name "Random Hipster" for online gaming and social media applications. MCGALEM stated he uses the social media application Discord to chat with other individuals on the Internet. MCGALEM stated he uses the name Random Hipster on Discord.

MCGALEM stated he had recently sent a package via Fedex to an individual he knew was a minor living in Maryland. MCGALEM stated he sent this minor gaming headphones.

30. During the residential search, law enforcement located a debit card in MCGALEM's wallet with his name on it. According to Fedex records, this matches the debit card used to pay for shipping costs associated with sending the package to V-1.

CONCLUSION

31. Based on the foregoing, I submit that there is probable cause to believe that in or about November 2021, BRIAN SCOTT MCGALEM, of Fairfax, Virginia, knowingly attempted to produce child pornography, in violation of 18 U.S.C. § 2251(a) and (e), and respectfully request that a criminal complaint be issued for MCGALEM.

Respectfully submitted,

RAYMOND M
ABRUZZESE III

Digitally signed by RAYMOND
M ABRUZZESE III
Date: 2021.12.14 15:11:59
-05'00'

Raymond Abruzzese, Special Agent
Homeland Security Investigations

Respectfully submitted and attested to in accordance with the requirements of Fed. R. Crim. P. 41 via telephone on December 14, 2021.

The Honorable Theresa Carroll Buchanan
United States Magistrate Judge